

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, FEBRUARY 28, 2006**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Bob Workman, Vice Chair  
Bernie Heier  
Larry Hudkins  
Ray Stevens

Commissioners Absent: Deb Schorr, Chair

Others Present: Kerry Eagan, Chief Administrative Officer  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 21, 2006.**

**MOTION:** Heier moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting held on February 21, 2006. Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, February 28, 2006.**

**MOTION:** Stevens moved and Heier seconded approval of all claims processed through February 28, 2006. Workman, Hudkins, Heier and Stevens voted aye. Motion carried.

- 3) **PUBLIC HEARINGS:**

**A. Application for a Class D (Spirits, Wine, Beer Off Sale Only) liquor license for Casey's Retail Company d/b/a Casey's General Store #2721 (formerly Gas 'N Shop), located at 4003 West Highway 34 and an application for Corporate Manager for Sharon Kay Nelson Scusa in connection with said license.**

3) **PUBLIC HEARINGS CONTINUED:**

The Vice Chair opened the public hearing and asked if anyone wished to testify in favor of the license.

The Chief Deputy Clerk administered the oath to Sharon Kay Scusa, applicant.

In response to a question asked by Hudkins regarding hospitality training, Scusa stated she has completed the training. She added that she is the area supervisor for eight stores, however, there is an on-site manager (Sandy Jo Mueller) at the West Highway 34 location.

Hudkins asked if the on-site manager has completed hospitality training.

Scusa stated she didn't know if the on-site manager had taken the hospitality training, however, Casey's does have a training program for all employees and their position is zero tolerance. If an employee sells to a minor they are terminated immediately.

Stevens commented that the license doesn't include any 'on sale' capability which is a change from the class of license Gas 'N Shop held. He added that he noticed a discrepancy in that the application reflects that the license will be inside the corporate limits when it is outside the corporate limits. He also noted the application reflects that the manager is listed as Marvin Scribner instead of Ms. Mueller and that there is no recommendation from the Sheriff regarding Mr. Scribner.

Stevens indicated that the Clerk's Office did have a letter from the Sheriff relative to Ms. Scusa and that he has no objection to the application for Corporate Manager for her.

The Vice Chair explained that the County Board recesses the public hearing for one week to allow time to make any necessary changes or obtain additional information.

The Vice Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was recessed.

3) PUBLIC HEARINGS CONTINUED:

**B. Continuation of a public hearing regarding County Change of Zone No. 05079, from AG Agricultural District to AGR Agricultural Residential District, requested by Lyle Loth of ESP on behalf of Alan Baade, on property generally located northwest of South 82<sup>nd</sup> Street and Roca Road in Lancaster County, Nebraska.**

**C. Continuation of a public hearing regarding County Preliminary Plat No. 05017, Red Cedar Ridge, requested by Lyle Loth of ESP on behalf of Alan Baade, owner, on property generally located northwest of South 82<sup>nd</sup> Street and Roca Road in Lancaster County, Nebraska.**

The Chief Deputy Clerk read Public Hearing Items 3B and 3C into the record.

The Vice Chair reconvened the hearings.

The Chief Deputy Clerk administered the oath to Tom Huston, attorney representing Alan Baade.

Huston stated he was appearing to reaffirm a letter sent the previous week requesting the hearings be deferred to March 7<sup>th</sup>.

The Vice Chair asked if anyone wished to provide testimony.

The Chief Deputy Clerk administered the oath to Mike Stewart, 8909 Saltillo Road, Lincoln, Nebraska.

Stewart stated he was appearing in favor of the proposal.

Hudkins asked Stewart if he felt the proposal was the highest and best use for the land.

Stewart stated yes.

The Chief Deputy Clerk administered the oath to Larry Eigbrett, 15701 South 82<sup>nd</sup> Street, Roca, Nebraska.

Eigbrett stated he was appearing in opposition to the proposal, noting concerns regarding density and the ability of South 82<sup>nd</sup> Street to support increased traffic.

The Vice Chair asked if anyone else wished to provide testimony.

3) **PUBLIC HEARINGS CONTINUED:**

No one appeared and the hearings were recessed until March 7, 2006.

4) **OLD BUSINESS:**

**A. A resolution in the matter of adopting procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer or conveyance of property in Lancaster County, Nebraska. (R-06-0005)**

**MOTION:** Stevens moved and Heier seconded approval of Resolution 06-0005 in the matter of adopting procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer or conveyance of property in Lancaster County, Nebraska. Workman, Stevens, Hudkins and Heier voted aye. Motion carried.

5) **NEW BUSINESS:**

**A. A resolution in the matter of approving the issuance by Hospital Authority No 1 of Lancaster County, Nebraska, not to exceed \$2,800,000 of its Revenue Refunding Bonds (Christian Retirement Homes, Inc.) solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended; and related matters. (R-06-0009)**

William Schellpeper, bond counsel, appeared and gave a brief overview of the bonds, noting they will be used to renovate and add to the kitchen facilities.

**MOTION:** Hudkins moved and Stevens seconded approval of Resolution 06-0009 in the matter of approving the issuance by Hospital Authority No 1 of Lancaster County, Nebraska, not to exceed \$2,800,000 of its Revenue Refunding Bonds (Christian Retirement Homes, Inc.) solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended; and related matters. Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**B. A resolution in the matter of certifying to the County Treasurer that payment of a tax refund would create undue hardship for Lancaster County. (R-06-0010)**

**MOTION:** Hudkins moved and Heier seconded approval of Resolution 06-00010 in the matter of certifying to the County Treasurer that payment of a tax refund would create undue hardship for Lancaster County. Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

**C. A resolution in the matter of amending the investment array for the County employee pension and deferred compensation plans with Nationwide Retirement Solutions. (R-06-0011)**

**MOTION:** Stevens moved and Hudkins seconded approval of Resolution 06-0011 in the matter of amending the investment array for the County employee pension and deferred compensation plans with Nationwide Retirement Solutions. Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

**D. An application for a Special Events Permit from Midwest Wheel Events to hold the Lincoln Plating Spring Cycling Classic on Saturday, April 22, 2006, from 8 a.m. to 7 p.m. at Branched Oak Lake. The race will begin at Lieber's Point and proceed clockwise around the lake on Northwest 140<sup>th</sup> Street, West Davey Road, Northwest 98<sup>th</sup> Street and West Raymond Road and end back at Lieber's Point.**

John Lefler, Jr., applicant, appeared to answer any questions.

**MOTION:** Heier moved and Hudkins seconded approval of an application for a Special Events Permit from Midwest Wheel Events to hold the Lincoln Plating Spring Cycling Classic on Saturday, April 22, 2006, from 8 a.m. to 7 p.m. at Branched Oak Lake.

**FRIENDLY AMENDMENT:** Stevens offered a friendly amendment that the Special Events Permit be approved subject to the recommendations as outlined by the County Engineer and the Sheriff.

Both the maker of the motion and the seconder agreed to the friendly amendment.

**ROLL CALL:** Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**E. A contract with Sealcoat Services, Inc. d/b/a SCS Construction Company, in the amount of \$22,400, for repairs to cracks in various County roads; Project No. 06-15. The project will be completed between March 6 and April 28, 2006. (C-06-0062)**

**MOTION:** Heier moved and Stevens seconded approval of a contract with Sealcoat Services, Inc. d/b/a SCS Construction Company, in the amount of \$22,400, for repairs to cracks in various County roads; Project No. 06-15. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

**F. A mutual release and settlement agreement between Lancaster County, on behalf of the Youth Services Center, and Encartele, Inc.. The release terminates any and all claims that exist or may exist in the future between the County and Encartele by reason of the partial performance and subsequent termination of County Contract No. 05-0188 for telephone services at the Youth Services Center. (C-06-0063)**

**MOTION:** Heier moved and Stevens seconded approval of a mutual release and settlement agreement between Lancaster County, on behalf of the Youth Services Center, and Encartele, Inc.. Heier, Stevens, Hudkins and Workman voted aye. Motion carried.

**G. A contract with The Clark Enersen Partners for pre-architectural planning services for the Lancaster County Corrections Department. The amount of the contract is \$161,740 for the work as described in the contract, with additional estimated reimbursable expenses of \$17,060. The project will begin upon execution of the contract and be completed by October 31, 2006. (The County Board approved the bid award on January 24, 2006.) (C-06-0068)**

**MOTION:** Heier moved and Stevens seconded approval of a contract with The Clark Enersen Partners for pre-architectural planning services for the Lancaster County Corrections Department. Workman, Hudkins, Stevens and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**H. Amendment of The Hartford 457 Governmental Deferred Compensation Plan to set the mandatory distribution amount at \$1,000. (C-06-0069)**

**MOTION:** Hudkins moved and Stevens seconded approval of amendment of The Hartford 457 Governmental Deferred Compensation Plan to set the mandatory distribution amount at \$1,000. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

**I. Recommendation from the Lancaster County Board of Commissioners to appoint Phil Mullen to the Nebraska Innovation Zone Commission.**

**MOTION:** Heier moved and Stevens seconded approval of the appointment of Phil Mullen to the Nebraska Innovation Zone Commission. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

**A. Receive and Place on File:**

**1. Clerk of the District Court's Monthly Report for January, 2006.**

**B. Setting of public hearings for Tuesday, March 7, 2006 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:**

**1. County Final Plat No. 05107, Wendelin Estates, requested by Design Associates on behalf of Debra Wendelin, for one lot on property generally located at Southwest 62<sup>nd</sup> Street and West Sprague Road in Lancaster County, Nebraska.**

**2. County Special Permit No. 06002, requested by Ron Schuster, for authority to locate a temporary mobile home for one year to be used as a second residence on the site so that family members can provide medical assistance and supervision while allowing for independent living on property generally located at Southwest 14<sup>th</sup> Street and West Princeton Road in Lancaster County, Nebraska.**

6) CONSENT ITEMS CONTINUED:

C. Request from Markisha Rollerson, an employee with the Community Mental Health Center, to voluntarily participate in the Lancaster County Retirement Plan having met the requirements.

D. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:

- ▶ Dolyn D. and Bernice E. Steuer, in the amount of \$301.25, on West Martell Road east of Southwest 114<sup>th</sup> Street; Project CP-U-10. (C-06-0064)
- ▶ Robert L. and Michelle S. Benes, in the total amount of \$19,806, on West "A" Street from Southwest 84<sup>th</sup> Street to the Burlington Sante Fe Railroad; Project C55-M-405(1). (3 contracts) (C-06-0065 through C-06-0067)

**MOTION:** Stevens moved and Hudkins seconded approval of the Consent Items. Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

7) ADJOURNMENT:

**MOTION:** Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:15 p.m.. Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, FEBRUARY 28, 2006  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Bob Workman, Vice Chair  
Bernie Heier  
Larry Hudkins  
Ray Stevens

Commissioners Absent: Deb Schorr, Chair

Others Present: Kerry Eagan, Chief Administrative Officer  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:15 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 21, 2006.**

**MOTION:** Stevens moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting held on February 21, 2006. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 293 additions and deductions to the tax assessment rolls per Attachment "A".**

**MOTION:** Stevens moved and Heier seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Heier and Stevens voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Our Lady of Guadalupe Seminary, a division of the Priestly Fraternity of St. Peter**

**MOTION:** Stevens moved and Heier seconded approval of the motor vehicle tax exemption. Heier, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **APPEAL OF LATE FILING PENALTY ON PERSONAL PROPERTY FOR 2005:**

**El Sitio Restaurant**

Norm Agena, County Assessor/Register of Deeds, stated the return was received in his office on December 6, 2005. He added the late penalty would be less than 20 dollars in total.

**MOTION:** Heier moved and Stevens seconded to deny the appeal of late filing penalty on personal property for 2005 for El Sitio Restaurant. Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **ADJOURNMENT:**

**MOTION:** Stevens moved and Hudkins seconded adjournment of the Board of Equalization meeting at 2:18 p.m.. Stevens, Heier, Hudkins and Workman voted aye. Motion carried.

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Bruce Medcalf  
County Clerk